

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	No. CR18-5076RJB
)	
vs.)	ORDER ON DEFENDANT’S MOTION
)	TO CONTINUE PRETRIAL MOTIONS
COREY AUSTIN McCONAGHY,)	CUTOFF DATE, THE PRETRIAL
)	CONFERENCE AND TRIAL DATE
Defendant.)	
)	

A continuance is requested as material witnesses need to be interviewed in this case, however, one of the witnesses has yet to be identified. Counsel for another witness is inquiring whether that witness would be willing to undergo a defense interview. When, and if, those interviews are conducted, counsel will then determine whether a severance motion will be filed.

1 A continuance is also requested as counsel for the defendant will be on a family vacation out
2 of the country from April 13-22, 2018, and, therefore, will be unavailable during the currently
3 scheduled trial date.

4 AUSA Tate London is aware of this motion and has no objection to this request.

5 Having considered the defendant's motion, the Court hereby finds as follows:
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- 7 1. taking into account the exercise of due diligence, a failure to grant a continuance
8 would deny counsel for the defendant the reasonable time necessary for effective
9 preparation, due to counsel's need for more time to interview witnesses and
10 otherwise gather additional evidence material to the defense, as set forth in 18
11 U.S.C. § 3161(h)(7)(B)(iv);
- 12 2. a failure to grant a continuance will result in Mr. McConaghy requesting the Court to
13 appoint new defense counsel, and new counsel will likely be pressed for time and
14 also request a continuance in the interest of justice under 18 U.S.C. §
15 3161(h)(7)(B)(iv);
- 16 3. a failure to grant a continuance would likely result in a miscarriage of justice, as set
17 forth in 18 U.S.C. § 3161(h)(7)(B)(i) because defense counsel needs additional time
18 to gather its own evidence; and interviewing the witness that need to be conducted in
19 this case;
- 20 4. the additional time requested is a reasonable period of delay, as defense counsel has
21 requested more time to prepare for trial, to investigate the matter, to gather evidence
22 material to the defense, and to consider possible defenses;
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5. the ends of justice will best be served by a continuance, and the ends of justice outweigh the best interests of the public and the defendant in any speedier trial, as set forth in 18 U.S.C. § 3161(h)(7)(A);
6. the additional time requested between the current trial date of April 16, 2018, and a new trial date only a week or two later is necessary to provide counsel for the defendant reasonable time to prepare for trial considering all of the facts set forth above;
7. the current trial date was ordered during Mr. Purser's arraignment, which was prior to Mr. McConaghy's arraignment, and this trial date directly interferes with defense counsel's pre-arranged vacation plans;
8. the additional time requested between the current trial date of April 16, 2018, and a new trial date, only a week or two later is necessary to provide counsel for the defendant reasonable time to facilitate counsel's pre-arranged vacation plans; and
9. there is insufficient time to appoint new counsel and expect new counsel to be prepared and ready for the current trial date.

For these reasons, the Court finds the defendant's motion for continuance should be granted.

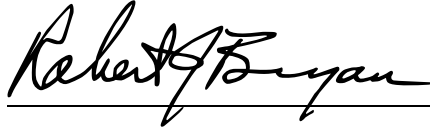
The currently scheduled pretrial motions cutoff date of March 28, 2018 should be STRICKEN. The pretrial motions cutoff date shall be continued to April 25, 2018.

The currently scheduled pretrial hearing date of April 9, 2018 should be STRICKEN. The pretrial shall be continued to April 27, 2018, at 8:30 a.m.

The currently scheduled trial date of April 16, 2018 should be STRICKEN. The trial date shall be continued to May 14, 2018 at 9:30 a.m.

1 IT IS SO ORDERED.

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3 DONE IN OPEN COURT this 30th day of March, 2018.

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6 ROBERT J. BRYAN
7 United States District Judge

8
9 HESTER LAW GROUP, INC. P.S.
10 Attorneys for Defendant

11
12 By: /s/ Lance M. Hester
13 LANCE M. HESTER
14 WSB #27813